

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 24-22523-CIV-MOORE**

KENNY ORTEGA,

Plaintiff,

v.

MIAMI DADE COUNTY, et al.,

Defendants.

MIAMI-DADE COUNTY'S STATUS REPORT

Pursuant to the Court's December 12, 2024 Paperless Order [ECF No. 20], Defendant Miami-Dade County¹ hereby files this Status Report, seeking an extension of the temporary stay in this case given the open, active criminal case proceeding against Defendant Officer Joseph Diaz.

As of the date of this filing, there is still an active criminal case proceeding against Officer Diaz, which relates to the very arrest at issue in this case. Therefore, the State Attorney's file

¹ The County recognizes that the Court ordered the parties to file a joint status report regarding the status of this case. Despite undersigned counsel's best efforts, however, she has not been able to meaningfully confer with Plaintiff's counsel. Undersigned counsel sent Plaintiff's counsel repeated emails in the morning and afternoon seeking to confer; however, Plaintiff's counsel did not respond until 5:45 p.m., indicating that she was experiencing problems with her emails. Undersigned counsel then sent the proposed joint status report to Plaintiff's counsel, but as of the time of this filing (10:30 p.m.), Plaintiff's counsel has not filed the joint status report despite undersigned counsel's further conferral attempts. Accordingly, the County is forced to submit this status report on its own.

continues to be protected from disclosure under state and federal law, and all reports, documents, and information created in connection with that investigation are protected. If the stay is not extended, the County would be severely prejudiced in its ability to defend itself because it lacks critical information contained in the investigatory files. This is particularly true here, where Plaintiff is suing the County for vicarious liability claims based on the Officer's conduct. Officer Diaz's trial is currently scheduled for April 14, 2025.

Accordingly, the County respectfully requests that the stay in this case be temporarily extended until disposition of Officer Diaz's criminal case and that the parties be required to file another status report in 90 days.

Dated: February 7, 2025.

Respectfully submitted,

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